

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Michael J. Picciallo	: Group Art Unit: 3621
	:
Application No.: 09/478,051	: Examiner: J. R. Kucab
	:
Filed: January 15, 2000	: Conf. No. 1136
	:
For: ALLOWANCE CARD OR ACCOUNT	: Atty Docket No.:
<u>A</u>	: 73348.00008 (P22,425-B USA)

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**DECLARATION OF DR. DAVID LUCANTONI
PURSUANT TO 37 C.F.R. § 1.132**

I, David Lucantoni, declare as follows:

1. I, David Lucantoni, have over 29 years of telecommunications industry experience in areas including research, product design and technical analysis of computer telephony, high-speed data communications and wireless technology. I am also a listed inventor of two patents and an author or co-author of over 60 publications. My curriculum vitae, attached hereto as Exhibit I, details my qualifications. I began my career working for Bell Telephone Laboratories, where I spent 13 years working on several projects involving leading-edge telecommunications technology. After leaving Bell Labs as a Distinguished Member of the Technical Staff, I worked for Motorola, Inc., and then for IsoQuantic Technologies, L.L.C., a company that I co-founded. At IsoQuantic Technologies, I worked on various consulting projects involving modern telecommunications systems. Since 1998 I have been President of DLT Consulting, LLC, where I provide technical consulting services to clients worldwide. For example, I help clients assess complex telecommunications networks and provide modern techniques to perform capacity planning. Prior to starting my career, I earned the following educational degrees: a B.S. in Mathematics in 1976 from Towson University, Towson, Maryland; an M.S. in Statistics in 1978 from the University of

Delaware, Newark, Delaware; and a Ph.D. in Operations Research in 1981 from the University of Delaware, Newark, Delaware.

2. I have been retained to provide an opinion for the above-identified inventor, Michael Picciallo, regarding the rejection of his patent application. I have read his patent application and the rejections by the Examiner. As I understand it, the application is rejected as anticipated by U.S. Patent No. 5,953,710 to *Fleming*, and the Examiner states that Applicant's claim of priority to Applicant's earlier-filed Application No. 08/585,173 (the '173 application) is denied because the '173 application "fails to provide the necessary support for such limitations as 'computer-based' of ... independent Claims 75 and 99 and 'encoding a debit card linked to said third party account with third party account information permitting cash withdrawals or fund transfers as payments for goods or services' of independent Claim 99."

3. I have reviewed the '173 application, namely the document from September 1995 that did not receive a filing date until April 16, 1996. The '173 application describes a system supported by a major credit card company in which "a card which is used in a similar manner as a credit card" is provided to an allowance recipient. An example is given of an allowance provider who has two cards issued and tells the card company to take \$80 dollars a month, charge it to his account, and put \$40 to each allowance card. The disclosure also states that the allowance card allows quick and direct money transfers and documents the day, place, amount and items that were purchased. Money is transferred to "siblings, children and others who are dependent on wage earners [such as] college students [or] handicapped people."

4. It is my opinion that a person of ordinary knowledge and skill in matters involving credit and debit cards, upon being informed of the allowance card concept related by the '173 application, and informed by the '173 application that it would be supported by a major credit card company, would have understood this to encompass transferring allowance money periodically and automatically under computer processor control, and supplying fund depositors through a computer

network information on payees and corresponding payment amounts for the third party account, not to mention the other features recited in the claims. To the extent this is not expressly described, it would be inherently or implicitly conveyed to them. Furthermore, existing credit card and banking networks were capable at that time of implementing the invention as it is now claimed.

5. Moreover, it is also my opinion that the operations performed by the allowance card system as described in the '173 application and the priority document would be understood by those of skill in the credit and debit card and account arts at the time of the invention to only be practical using a computer-based credit or debit card system, such as provided by the major credit/debit card companies and banks. These were the only reasonable means available to provide such functionality as quick and direct money transfers, restriction of purchases by minors - e.g., no purchase of alcohol, tobacco or known dangerous substances - and per day dollar limits on purchases. In particular, a computer-based system is the only practical means to perform functions which require information accumulated at more than one merchant location to be considered in a short period of time, such as monitoring and enforcing a "per day" dollar spending limit.

6. In my opinion, one of ordinary skill in the art at the time the '173 application was filed would have recognized that the invention described in the '173 application encompassed writing one or more computer routines that were within their ability to implement, to modify existing bank and credit card computer networks to perform the various functions as described in the '173 application. These computer routines could then be integrated into an existing credit/banking network, thereby enabling it to perform the described functions. A person of ordinary skill in the art reading the '173 application would have recognized that an allowance card system based on existing bank and credit card computer networks at the time of the '173 application could be implemented using only existing magnetic card technology, electronic card readers, communication lines, and computers programmed to process transactions and update the information stored one or more database, and using only the description and guidance provided in the '173 application.

7. Accordingly, it is my opinion that the '173 application contains all the direction, either by express explanation or inherent or implicit teaching, that is needed to practice the invention as it is now recited in the claims.

I, David Lucantoni, hereby swear that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willfully false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued hereon.

Date: June 28, 2011

A handwritten signature in black ink that reads "David Lucantoni". The signature is written in a cursive, flowing style with a horizontal line extending from the end of the name.